

Notice of Allowability

Application No.

10/644,473

Examiner

ALEXANDER BOAKYE

Applicant(s)

LUDWIG ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/07/2008.
2. ☒ The allowed claim(s) is/are 114, 116, 119-135, 138-153; renumbered as 1-35 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. W. Smith on 01/30/2008.

In the claims:

120. (Currently amended) A communication device for generating data packets having a first data structure determined by a first protocol, said communication device comprising: means for receiving data packets having a second data structure determined by a second protocol; means for discriminating between a first type and a second type of received data packets according to predetermined rules based on the contents of the received data packets; means for generating data packets having the first data structure by embedding the data packets having the second data structure in at least one of the data packets having the first data structure; and means [responsive to the discriminating means] for adjusting an operation mode to match the type

of received data packet, wherein the operation mode [is associated with one or more of automatic repeat request error recovery, forward error correction] provides a requested transmission quality [quality of service, transmission priority, and] or level of security.

138. (Currently amended) In a communication device, a method of generating data packets having a first data structure determined by a first protocol, said method comprising the steps of: receiving data packets having a second data structure determined by a second protocol; discriminating between a first type and a second type of received data packets according to predetermined rules based on the contents of the received data packets; generating data packets having the first data structure by embedding the data packets having the second data structure in at least one of the data packets having the first data structure; and adjusting an operation mode to match the type of received data packet, wherein the operation mode [is associated with one or more of automatic repeat request error recovery, forward error correction] provides a requested transmission quality [quality of service, transmission priority, and] or level of security.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: Claims 114, 116, 119-135, 138-153, are considered allowable since when reading the claims in light of the specification none of the references of record alone or in combination disclose or suggest the combinations of limitations specified in the independent claims. As to claims 114, 116, 119, the prior art of record does not teach a communication device for generating and transmitting data packets having a first data structure determined by a first protocol, said communication device comprising: means for receiving data packets having, a second data structure determined by a second protocol, wherein the first protocol is at a first layer in a protocol suite, and the second protocol is at a second, higher layer in the protocol suite, and the first layer is higher than a third layer in the protocol suite; means for discriminating between a first type and a second type of received data packets by accessing a predetermined field in the received data packets in which the type of data packet is indicated; means for generating data packets having the first data structure by embedding the data packets having the second data structure in at least one of the data packets having the first data structure; and transmission means for transmitting the generated data packets to a receiving entity, the transmission means including in each of the transmitted data packets, an indication of the type of data packet.

As to claims 120-135 and 138-153, the prior art of record does not teach means for adjusting an operation mode to match the type of received data packet, wherein the

operation mode provides a requested transmission quality or level of security. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The Fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or PUBLIC PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Electronic Business Center (EBC)** numbers at 866-217-9197 and 703-305-3028.

Alexander Boakye

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Patent Examiner
AB
01/30/08


CHI PHAM
SUPERVISORY PATENT EXAMINER

2/4/08